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HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Justice S.R.Nayak, Chief Justice

Writ Petition No.3533/2005

PETITIONER : Ku. Priyanka Sinha, D/o R.K.Sinha aged about 14 years, R/o- 27 Kholi, Bilaspur, District Bilaspur (C.G.)
Through natural guardian (father) R.K.Sinha, S/o G.N.Sinha, aged about 48 years, R/o 27 Kholi, Bilaspur, Dist. Bilaspur (C.G.)
Versus

RESPONDENTS : 1. State of Chhattisgarh, Through the Secretary, Department of Education, D.K.S.Bhawan, Raipur (C.G.)
: 2. C.G.Board of Secondary Education, Through the Secretary, Pension Bada, Raipur, District Raipur (C.G.)
: 3. The District Education Officer, Bilaspur, District Bilaspur (C.G.)
: 4. The Principal, St. Francis Higher Secondary School, Ameri Road, Bilaspur, District Bilaspur (C.G.)

Shri Parag Kotecha, Counsel for the petitioner.

Shri Utkarsh Verma, Dy. G.A. for the State/respondents No.1 & 3.

Shri J.K.Gupta, counsel for the respondent No.2.

Shri Neeraj Choubey, Counsel for the respondent No.4.

ORAL ORDER

(Passed on 24.2.2006)

This writ petition is liable to be dismissed in limine for the simple reason that the relief sought in this writ petition is essentially against the 4th respondent-private school management and not against any public authority. Though in paragraphs 7.1, 7.2, and 7.3 a direction is sought against 3rd respondent-The District Education Officer also, the petitioner has not traced the obligation of the 3rd respondent to comply with those directions. The 3rd respondent is an educational

authority of the Department of Education of the State of Chhattisgarh. Admittedly, the petitioner studied in Colonel's Academy School and completed her eighth class education. She sought admission to the 4th respondent's school which is again a private school. In order to regularize her admission into ninth standard in the 4th respondent's school, the Principal of the 4th respondent's school issued a notice to the petitioner's father directing that since the petitioner passed class eighth examination through the Central Board of Secondary Education (C.B.S.E.), she is required to get the transfer certificate and mark-sheet countersigned by the C.B.S.E. The demand raised by the 4th respondent's school, admittedly, is not yet complied with by the petitioner. The directions are sought against the respondents No.3 & 4 to approve and regularize the admission into the 4th respondent's school on the ground that according to the management of Colonel's Academy School, counter signature from the C.B.S.E. on the transfer certificate and mark-sheet is not necessary. It is strange indeed. The opinion of the management of Colonel's Academy School would not bind the 4th respondent's school. Be that as it may, the demand made by the 4th respondent's school management to get the transfer certificate and mark-sheet countersigned by the C.B.S.E. could not be condemned as something perverse particularly, because, the petitioner admittedly studied in the Colonel's Academy and passed eighth standard examination and that school is affiliated to C.B.S.E. The obligation of the 3rd respondent or any other State Authority in the Education Department to approve the admission of the petitioner into 4th respondent's school is not made out with reference to any law or statutory rules. The State of Chhattisgarh, Educational Authorities of the State of Chhattisgarh, C.G. Board of Education and District Education Officer are unnecessarily impleaded as party-respondents. None of them have

taken any adverse action against the petitioner nor any direction could be issued to respondents No.1 to 3 to perform any obligation.

2. The writ petition is therefore dismissed. No costs.

**Sd/-
Chief Justice**

Anjan